



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,906	06/27/2003	James A. Kost	MPEE2 12375-1-1	7529

7590

12/19/2005

FAY, SHARPE, FAGAN, MINNICH & McKEE

Seventh Floor

1100 Superior Avenue

Cleveland, OH 44114-2579

EXAMINER

BATSON, VICTOR D

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,906

Applicant(s)

KOST ET AL.

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-95, 100-106, 108, 115, 117-119, 121, 122, 124, 125, 127, 128, 133-135 and 137-145 is/are rejected.
- 7) ☒ Claim(s) 107 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 88-95, 100-115, 117-119, 121, 122, 124, 125, 127, 128, 133-135 and 137-145.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 88-95, 100-106, 112-115, 117-119, 124, 133, 137, 140, 144 are rejected under 35 U.S.C. 102(e) as being anticipated by Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (including 42), a lift mount assembly (including 44), a support assembly (including members 54) having a connection end (including 58), and a plow mount assembly (considered the structure that connects the plow blade to the frame mount assembly and lift mount assembly), with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 7. It is noted that latch bars 50 & 52 are considered removable pins since they are removable from sockets 58 & 60. It is noted that the entrance structure of sockets 58 & 60 are considered guide sections and landings, with the outermost edge being considered the guide section (see figure 7). It is noted that since the lift mount assembly is connected to cylinder 46 and the frame mount assembly by a pinned

Art Unit: 3671

connection, it is considered to be detachably connected. Additionally, member 48 is considered a skid plate.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 108,109,139,142,143,145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Pieper (5,353,530).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

3. Claim 110,111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Willis, Sr. (4,459,769).

Art Unit: 3671

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

4. Claims 121,122,125,127,128,134,135,138,141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131).

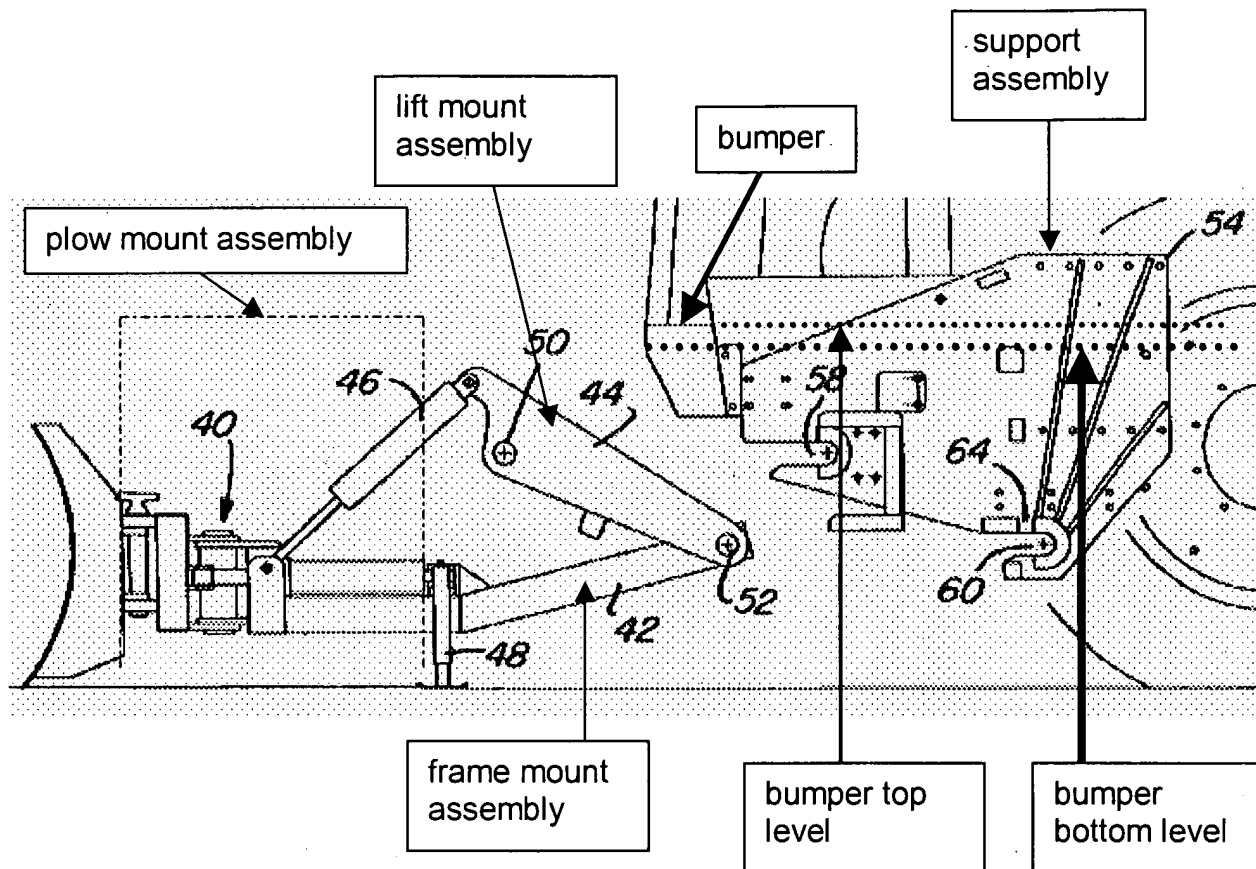
Malinowski discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

Art Unit: 3671

Included below is a modified figure identifying the claimed structure.



Allowable Subject Matter

Claim 107 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 9/23/05 have been fully considered. Applicant's arguments regarding Behrens are persuasive however applicant's arguments regarding Malinowski are not persuasive. Applicant's overview of the invention and claims (pages 38-43) is acknowledged. Applicant argues that claims 88 and 114 require the frame mount assembly to be connected to the frame of the vehicle such that no portion of the frame mount assembly connects to the front bumper of the vehicle, extends beyond the front bumper and connects to the sides of the vehicle. First, applicant claims the subcombination of the mount assembly that is "mountable" to a vehicle, and does not positively claim the mount assembly being mounted to a vehicle. Additionally, when the snowplow blade of Malinowski is mounted to the vehicle, the frame mount assembly as set forth by the examiner does not connect directly to the vehicle bumper or side of the vehicle, and does not extend beyond the front bumper (see fig. 8). Applicant argues that the frame mount assembly includes a plurality of connectors that connect the support mount assembly to the frame mount assembly. This limitation is met by pins 52. Regarding the connectors of the connection arrangement being spaced forwardly from the engagement arrangement, it is noted that the claims do not require the connection arrangement to be positioned in the frame mount assembly. Therefore, pins 50 could be considered to be part of the connection arrangement.

Applicant argues that the plow mount assembly designated by the examiner does not have one end connectable to the support assembly. First, it is noted that applicant does not claim that the plow mount assembly is positively connected to the support

Art Unit: 3671

assembly, only that the plow mount assembly is "connectable" to the support assembly. Secondly, two things can be connected to each other by way of their common connection to something else. *Kreis AG v. American Hospital Supply Corp.* (DC NIII) 192 USPQ 585. Clearly, since the plow mount assembly is connected to the frame mount assembly, which is in turn pivotally connected to the support assembly, the plow mount assembly is pivotally connected to the support mount assembly. Additionally, it is noted that the modified figure above shows the identified plow mount assembly being spaced from the frame mount assembly.

Applicant's arguments that the pins and/or pin clips defined in claims 121,122,125,127 and 128 in combination with the structural limitations in the claims is patentable, are not persuasive because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments regarding modifying Malinowski with Pieper are not persuasive. Applicant is arguing against the references individually, and the examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). It is noted that Pieper is used to teach that it is old and well known in the art to use auxiliary lights and connectors with snowplows.

Concerning applicant's arguments regarding claims 134 & 135, the prior art is considered to meet the limitation of the engagement arrangement being designed to at

Art Unit: 3671

least partially telescopically receive at least a portion of the support mount assembly as defined by applicant in the specification. It is noted that the claims do not require any telescoping, only that the engagement arrangements be designed to telescopically receive a portion of said support mount assembly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

December 8, 2005


Victor Batson
Primary Examiner
Art Unit 3671